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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,765	06/15/2001	Robert D. Kern	297.006	9308

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EXAMINER

AGUIRRECHEA, JAYDI A

ART UNIT PAPER NUMBER

2834

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/882,765

Applicant(s)

KERN ET AL.

Examiner

Jaydi A. Aguirrechea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 6 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson et al. (US 5734255).

Thomson et al. teach the construction of a controller (64) for one or more generator sets (54, 55 and 56)

connectable to a load (34), each generator set having the ability to be started and stopped and a monitoring structure (Column 8, Lines 35-45) connectable to a utility source (54, 55, 56) which provides AC power having a magnitude and a power factor, AC voltage having a magnitude and a frequency, and AC current having a magnitude and a frequency, the monitoring structure measuring the magnitude and the frequency of the AC voltage and the AC current and providing the same to the user interface for display(69); the controller including:

a generator communications link (39) for connecting the generator set to a network (40), an engine (57), and a generator driven by the engine which generates AC power having a magnitude and a power factor and AC voltage having a magnitude and a frequency, and transmits the magnitude and the power factor of the AC power of the utility source and the magnitudes and frequencies of the AC voltage and AC current of the utility source to each of the generator sets connected to the network, comprising:

a user interface (Column 8, Lines 53-55) for allowing a user to select a generator set and to set values for various predetermined operating parameters of the selected generator set, wherein the user interface includes a display screen (69), a generator settings screen for each generator set connected to the network, each generator settings screen allowing the user to input the values of a portion of the various operating parameters of the selected generator set; and

a communications link (39) connectable to the network for transmitting the user set values of the predetermined operating parameters to the selected generator set.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over.

Thomson et al. (US 5734255) in view of Nyenya (US 5278771).

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Thomson et al. disclose the claimed invention except where the first of the various operating parameters is a starting time for starting the selected generator.

Nyenya teach the use of a programmable timed electrical power management device for the purpose of for protecting and controlling electrical equipment plugged into it.

It would have been obvious to one skilled in the art at the time the invention was made to use the programmable timed electrical power management device disclosed by Nyenya on the controller disclosed by Thomson for the purpose of for protecting and controlling electrical equipment plugged into it.

With regards to claims 19-24, it is inherent in the structure of Thomson et al. to perform the operation as claimed, i.e. the transmission of the parameters through the claimed communications link of the network.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 703-305-2277. The examiner can normally be reached on M-Th 9-7.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jaa

August 12, 2002

  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
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